

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Brandon Jermel Thompson,)
Petitioner,) C.A. No. 5:21-3778-HMH-KDW
vs.)
Warden of Federal Correctional Complex,)
Respondent.) **OPINION & ORDER**

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.¹ Brandon Jermel Thompson (“Thompson”) seeks habeas corpus relief pursuant to 28 U.S.C. § 2254. In her Report and Recommendation filed on December 16, 2021, Magistrate Judge West recommends dismissing the petition without prejudice and without service of process because Thompson has failed to exhaust his available state law remedies. (See, generally, R&R, ECF No. 15.)

Thompson filed timely objections to the Report and Recommendation on December 27, 2021. (Objs., ECF No. 18.) Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review,

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Thompson's objections are non-specific, unrelated to the dispositive portions of the Report and Recommendation, or merely restate his claims. Accordingly, after review, the court adopts Magistrate Judge West's Report and Recommendation and incorporates it herein by reference.

It is therefore

ORDERED that Thompson's petition, docket number 1, is dismissed without requiring Respondent to file a return. It is further

ORDERED that a certificate of appealability is denied because Thompson has failed to make a "substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).²

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
January 3, 2022

²

District courts must issue certificates of appealability when entering "a final order adverse to the applicant." Rule 11(a), Rules Governing § 2254 Cases.

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has a right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 5 of the Federal Rules of Appellate Procedure.